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JUL 06 2006

PATENT  
Attorney Docket No. (AT-000219/US)

REMARKS / ARGUMENTS

Reconsideration of this application, as amended is respectfully requested. The following remarks are responsive to the Office Action mailed on March 16, 2006.

Claims 1 - 32 are pending in the present application. Independent claims 1 and 15 have been amended. Dependent claim 11 has been amended. Claims 21 through 32 are new.

No new matter has been added.

Claim Rejections - 35 USC 112

The examiner has rejected claim 11 as being indefinite, per 35 USC 112, with respect to the limitation "the bite material" for insufficient antecedent basis for this claim. In response to this rejection, claim 11 has been amended so as to replace the phrase "bite material" with "impression material", for which there is antecedent support.

Claim Rejections - 35 USC 103

The examiner has rejected claims 1 - 19 under 35 USC 103(a) as being unpatentable over Kaza (2003/0129565) in view of Freeman (4,375,966).

The examiner has also rejected claim 19 under 35 USC 103(a) as being unpatentable over Kaza (2003/0129565) in view of Freeman (4,375,966) as he has asserted them against claims 1 - 15, and in further view of Coscina (3,878,610).

In response to these rejections, both of the original independent claims 1 and 15 have been substantially amended, such amendments therefore applying to dependent claims 2 through 14, and 16 through 20, respectively. The present application teaches the inclusion of radiopaque agents in the material of the described inventive dental tray, more specifically the inclusion of such agents to increase the radiopacity of the tray to that which (quoting from paragraph 32) "...matches or closely approximates the radiopacity of the impression material. In general the attenuation factor of the impression tray should not exceed the attenuation factor for the impression material by more than 50%."

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Thus, with regard to the references, Kaza, as the examiner points out, "does not teach using a dental tray containing a radiopaque agent. As the examiner points out, Freeman does speak of a tray containing a radiopaque agent. However, Freeman does not further teach about the specific properties imparted by such inclusion, nor does he quantify such properties in absolute terms or comparative terms with respect to the properties of an impression material. All claims 1 through 20 include such a limitation with regard to the properties of the material, and further include the limitation represented specifically by the inclusion of the impression material. Accordingly, by these amendments, applicant believes that the USC 103 rejections of the examiner have been traversed, and these claims represent patentable subject matter.

Applicant further offers new claims 21 - 32 in this amendment. All of these claims include the same limitations as detailed above, in some form, that are present in amended independent claims 1 and 15, as described above, either by virtue of their inclusion in the independent claims, or by virtue of the dependency on such independent claims.

New claim 21 narrows the limitation represented by "an x-ray attenuation factor that is no more than 50% greater than that of the impression material" (per claim 1) to "an attenuation factor between approximately 100% and approximately 150% that of the impression material", which is narrower by the inclusion of the lower limit. This limitation is supported by language in paragraph 32 of the specification as follows: "For the computed tomography scanning method employed it is recommended that the X-ray characteristics of the dental tray be formulated so that its radiopacity matches or closely approximates the radiopacity of the impression material. In general the attenuation factor of the impression tray should not exceed the attenuation factor for the impression material by more than 50%. In other words, for claim language, "approximately 100%" is used as a numerical equivalent of "matches or closely approximates", and "150%" is used as an equivalent of "not exceed ... by more than 50%".

By the same logic new claim 22 narrows the limitation to "approximately 100%", and with the same logic, new claims 25 and 26 parallel the construction of new claims 21 and 22.

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Drawings

The examiner has objected to the drawings for their lack of reference labels 803 and 900, as mentioned in the description.

Accordingly, reference label 803, for the X-ray beam, is now included in amended Figure 10. Additionally, label 804, for the rotating table has been added to amended Figure 10.

With regard to reference label 900, it is now included in amended Figure 11.

The drawings are further objected to for including reference labels in Figure 1 (38 and 42) and in Figure 5 (142), which are not identified in the description. The items that these labels identify are not necessary for the description, and therefore the labels have been removed from the amended Figures 1 and 5.

The drawings were further objected to for their inclusion of black and white photographs, for their not being the only practicable medium, and for being of insufficient quality to allow reproduction in print. All such original photographic drawings, Figures 1 through 9, are now rendered in standard, non-photographic form, and are provided now as amended Figures 1 through 9.

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CONCLUSION

It is respectfully submitted that all of the Examiner's objections to drawings and rejections to claim have been successfully traversed and that the application is now in order for allowance. Accordingly, reconsideration of the application and allowance thereof is courteously solicited.

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Respectfully submitted,



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